

CIVIL CASE NO. 2:11cv39

Defendant.

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ORDER OF REMAND

Sentence Four of 42 U.S.C. §405(g) provides, in pertinent part, that "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The parties here have moved for reversal of the decision of the Defendant and for remand for further administrative proceedings. Specifically, the parties seek remand for a new hearing.

Upon remand to the Commissioner, the Appeals Council shall remand this case to the administrative law judge (ALJ). The Appeals Council will instruct the ALJ to: (1) conduct a new hearing and issue a new decision based on the total record; (2) further develop the record; (3) further evaluate the opinion of the North Carolina Department of Health and Human Services pursuant to Social Security Ruling 06-03p; (4) further evaluate the opinions of Drs. Schwartzman, Drummond and Cohen; (5) further consider the Plaintiff's residual functional capacity; and (6) if warranted by the expanded record, obtain vocational expert testimony clarifying the impact of the Plaintiff's revised residual functional capacity on her occupational base. The Court finds remand is appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

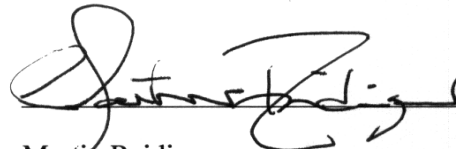
IT IS, THEREFORE, ORDERED that the Defendant's Consent Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 13] is hereby **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is hereby **REMANDED**.

IT IS FURTHER ORDERED that upon remand, the Commissioner shall comply with the directives contained within this Order.

The Clerk of Court shall enter separate Judgment of Remand simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

Signed: April 3, 2012


Martin Reidinger
United States District Judge

